

INA & CIMC CHILD PROTECTION POLICY AND CODE OF CONDUCT

April, 2017

INTRODUCTION

The INA & CIMC Child Protection Policy and Code of Conduct outlines the organisations' commitment to safeguarding children and reducing the risk of any child being harmed as a result of INA / CIMC activities. It also provides guidelines on how INA & CIMC will implement and monitor compliance with this Policy, including procedure to follow in the event of a violation.

The INA & CIMC will ensure that this Child Protection Policy remains relevant and effective. The Policy will be reviewed every five years, or adapted as needed in response to emerging needs or whenever there is a significant change in the organization.

This Policy and Code of Conduct applies to **all** staff (permanent, temporary and casual), volunteers, contractors and sub-contractors (including individual consultants, researchers and partner organisations with a formal contractual relationship with INA/CIMC).

The INA & CIMC Child Protection Policy and Code of Conduct is guided by the following legislation:

- Lukautim Pikinini Act 2015
- Family Protection Act 2013
- Criminal Code

In line with the Lukautim Pikinini Act 2015, a "child," for the purposes of this Policy and Code of Conduct, refers to any person under the age of 18 years.

OUR COMMITMENT TO CHILD PROTECTION

INA/CIMC are committed to safeguarding the well-being of children with whom the organisations are in contact and to minimising the risk of any child being harmed as a result of INA / CIMC activities.

This Child Protection Policy and Code of Conduct provide a practical guide to prevent child abuse occurring within the organisation, and include expectations of staff, volunteers, contractors and sub-contractors in the management of child protection risks.

INA/CIMC's commitment to child protection is based on the following principles:

- **Zero tolerance of child abuse:** INA/CIMC has a zero tolerance approach to all forms of violence, abuse, neglect and exploitation of children. Any concerns about the conduct of staff, volunteers, contractors or funded partners towards children must be reported and will be handled professionally, confidentially and as quickly as possible.
- **Best interest of the child:** INA/CIMC is committed to promoting and protecting the rights of children. In all actions concerning children, the best interests of the child shall be a primary consideration.
- **Shared responsibility for child protection:** Protecting children from harm is the responsibility of all those who participate in the work of INA/CIMC. All staff will be trained on their obligations under this Policy. Compliance with the Child Protection Policy and Code of Conduct will be incorporated into contracts and MOUs with all volunteers, contractors, sub-contractors, researchers and other funded partners who help to deliver INA/CIMC programmes and activities.
- **Risk management approach:** INA/ CIMC will take measures to identify, mitigate, manage or reduce the risks to children that may be associated with its programmes and activities.

All INA/CIMC staff, volunteers, contractors, and sub-contractors must comply with this Policy. Any breach of this Policy will be treated as a serious matter and may result in disciplinary action, including termination of employment or (for contractors and sub-contractors) the termination or non-renewal of contractual arrangements.

General policy on personal conduct

INA / CIMC expect all staff members to maintain a high standard of personal conduct in all their interactions with children. In both their work and personal life, they will conduct themselves in a manner that respects children's rights, protects children from harm, and reinforces INA / CIMC's reputation as organisations committed to human rights.

The standards of conduct INA / CIMC expect of everyone involved in their activities and programmes is set out in the Child Protection Code of Conduct (Annex A). All staff, volunteers, contractors, and sub-contractors will be provided a copy of this Policy and must sign a declaration stating that they have read, understand and agree to comply with the Policy and Code of Conduct.

The Two-Adult Rule

To help protect children from potential abuse and personnel from false accusations, INA/CIMC personnel will avoid situations where they will be alone with a child in a private place that cannot be seen by others.

Wherever possible, personnel will adhere to the “two-adult” rule, whereby two or more adults are present during any interaction or activities with children.

In counselling situations or other individual discussions where privacy and confidentiality are important, the interaction should take place in a private space, out of hearing but within sight of others (e.g. in a private room but with the door left ajar).

Child-Safe Travel Policy

INA/CIMC sometimes organise events that require children to travel away from their homes, or facilitate the rescue, removal and transportation of child survivors of violence, abuse and exploitation. In order to minimise the risks of harm to children whilst travelling, INA/CIMC will ensure that the following safeguards are in place:

- Any driver entrusted with a child must have a valid license and must be a competent and safe driver;
- The safest mode and route for travel will be used. Travel after dark and through locations known for hold-ups and other dangers will be avoided wherever possible;
- Children must be accompanied by an adult and must not be left on their own at any time. Except in emergency situations, the “two adult” rule will be applied and children will not be transported alone by a driver; and
- The accompanying adult must have a mobile phone.

If travel involves over-night transit, or children will be attending an event that requires them to be accommodated away from their home, a child safety plan must be developed and approved by the Child Protection Focal Point. The plan should ensure:

- The mode and route for travel is the safest option available;
- There are a sufficient number of chaperones for the number of children, and the children will be supervised at all times;
- The two-adult rule is complied with;
- The chaperones / accompanying adults have been briefed on and signed the Child Protection Code of Conduct;

- The chosen accommodation is appropriate and safe. When transporting child survivors, preference should be given to staying at safe houses rather than hotels;
- Appropriate sleeping arrangements have been made to ensure that adults of the opposite gender are not sleeping in the same room as a child, that a child is not sharing a bed with an adult (other than a parent), and that children of the opposite gender are not sleeping in the same room (other than siblings);
- The names and mobile phone numbers of all chaperones / accompanying adults are on file.

Child-Safe Consultation Policy

INA/CIMC organises forums, workshops, community consultations, peer education and other events where children are occasionally invited as participants, or attend with their parents or caregivers. INA/CIMC are committed to ensuring that children have the opportunity to participate in these events, where appropriate, and that a safe and inclusive environment is created.

Where children will be participating in consultations and other events, INA/CIMC will ensure that the following safeguards are in place:

- Child participants will be properly supervised by adults at all times;
- If children will be attending an event that requires them to be accommodated away from their home, written consent of the child's parent or caregiver will be obtained, and all requirements of the Child Safe Travel Policy will be adhered to;
- Consultations will be conducted in open, public spaces with groups of children;
- The two-adult rule will be adhered to, and trainers, convenors and facilitators will not go off alone with a child;
- All trainers, convenors and facilitators will be briefed on and required to sign the Child Protection Code of Conduct;
- Children's personal information will be safeguarded and will not be used by anyone involved in the event to contact the child in a personal capacity; and
- If the consultations or research address sensitive issues, such as family violence or sexual and reproductive health, that might result in children disclosing abuse, the consultation organisers will be briefed on reporting and referral procedures (including contact details for the local child protection officer and referral pathway partners).

Child-Safe Research Policy

INA / CIMC carry out research on a broad range of issues, including research on issues that relate to children. Where surveys or other research involves children as respondents, INA/CIMC will ensure that the following safeguards are in place:

- All aspects of the research design and implementation must be informed by the “do no harm” principle;
- The research methodology must include a child protection protocol / ethical guidelines for interactions with children;
- Group discussions will be segregated by gender so that boys and girls can freely express themselves;
- The two-adult rule will be adhered to, and individual and group discussions will be conducted in public spaces, with due respect for the need for privacy but in sight of others;
- All researchers must be briefed on and sign the Child Protection Code of Conduct;
- Children’s information will be kept strictly confidential, and their personal details will not be used by researchers to contact the child in a personal capacity;
- Children’s images and stories will not be used by researchers without the written permission of INA/CIMC;
- If the research addresses sensitive issues that might result in children disclosing abuse, the research protocol must include reporting and referral procedures (including contact details for the local child protection officer and referral pathway partners).

Policy on Visiting Safe Houses and Children’s Home

As part of its work with partners providing family and sexual violence services, INA/CIMC staff and partners often visit safe houses and children’s homes that provide safe refuge for child survivors of violence, abuse and exploitation. INA/CIMC respect children’s right to privacy in their personal space and will ensure that the following safeguards are in place to minimise risk of harm and reduce intrusions on children’s private space:

- The location of safe houses and the personal information of children at safe houses will be kept strictly confidential. No photos will be taken of safe houses, or of children at the safe houses;
- Staff and accompanying partners must be accompanied at all times by a safe house staff member. Direct inter-action with children will be minimised;
- Gifts will not be given directly to children, and staff will not receive gifts from children or their families; and

- INA/CIMC will advocate for FSV safe houses to develop their own child-safe visitor's policies, and will discourage donors and other development partners from visiting safe houses.

Child-Safe Media and Communications policy

INA/CIMC will ensure that all depictions of children in its media, communications and promotional material are respectful of children, protect their privacy and dignity, and do no harm. Any use of a child's story or image on the INA/CIMC website, social media, reports or other publications will first be checked to ensure that the following safeguards have been met:

- All communications will portray children in a dignified and respectful manner and not as helpless victims;
- Children must be adequately clothed, in accordance with the context and local customs, and not depicted in a sexually suggestive manner;
- Informed consent from the child and parent or guardian of the child must be obtained before photographing or filming a child. An explanation of how the photograph or film will be used must be provided;
- The image, personal details, location or other information that might identify a child survivor must not be published in any form. INA/CIMC will never publish a story that may put a child or their family at risk - even when identities are changed or obscured;
- When sending images electronically or publishing images in any form, file labels, meta data, geo-tagging and text descriptions will be modified to ensure that no identifying information about a child is revealed; and
- Photographers, researchers, contractors and consultants will be prohibited from using any images or stories of children taken in the course of an INA/CIMC-funded activity without the written permission of INA/CIMC.

INA/CIMC will also ensure that all staff, volunteers, contractors, and sub-contractors comply with the Internet Use and Social Media Policies outlined in the HR Policies and Procedures Manual, and refrain from posting, sending, forwarding or using their personal social media, web-based forums, message boards or other internet sites to share:

- Images and stories of children they come into contact with through their work;
- Personal information about children engaged in INA/CIMC activities.

IMPLEMENTING & MONITORING OUR CHILD

PROTECTION COMMITMENTS

INA/CIMC will take the following steps to ensure that this Policy is well-publicised and effectively implemented:

Child Protection Awareness and Training

INA/CIMC will ensure that the Child Protection Policy and Code of Conduct is widely publicised and fully understood by all staff, volunteers, contractors, and sub-contractors through the following measures:

- The Policy will be published on the INA and CIMC websites and profiled in the CIMC newsletter. Print copies will be provided to all staff, volunteers, contractors and sub-contractors, and readily available in the office library;
- All staff will receive a briefing on the Policy and Code of Conduct as part of the induction process, and will receive annual training on child protection; and
- All contractors, sub-contractors and funded partners will be briefed on the Policy and Code of Conduct as part of the contract / MOU development process.

Child Protection Focal Point

A staff member will be appointed as the Child Protection Focal Point to support the implementation of this Policy. S/he will be responsible for:

- Briefing all new staff, volunteers, contractors and sub-contractors on their obligations under the Child Protection Policy and Code of Conduct;
- Facilitating training on child protection;
- Providing advice to staff, volunteers, contractors and sub-contractors on child protection issues;
- Facilitating child protection risk assessments;
- Receiving reports of violations of the Code of Conduct or concerns about a child's well-being, and ensuring appropriate follow-up action to protect the child;
- Maintaining an up-to-date list of child protection contact persons at the national and sub-national levels (Child Protection Officers and referral pathway partners).

Ongoing Risk Management

Child protection risk management strategies will be incorporated into all INA/CIMC activities that involve contact with children. A risk assessment has been undertaken

and risk mitigation strategies developed for all existing programmes and activities (see Annex C).

INA/CIMC will periodically review and update its risk assessment and risk mitigation strategies. In addition, a child protection risk assessment will be undertaken at the design / proposal stage of any new programmes or activities that involve contact with children. The assessment will identify risks, classify any high risk activities, and document steps being taken to reduce or remove these risks.

CHILD-SAFE RECRUITMENT

INA / CIMC is committed to ensuring that people who pose an unacceptable risk to children are not employed by the organisation. Prospective and current staff will be screened and monitored to ensure the organization does not employ or retain people who pose a risk to children.

The following safeguards will be added to the standard INA / CIMC recruitment process for any position **that involves contact with children**:

- At least two verbal references checks will be undertaken, with questions about the candidate's general conduct, character and suitability for interacting with children;
- For position that involve working directly with children (as opposed to just incidental contact), additional background screening will be undertaken and interviews will incorporate behavioural-based questions designed to assess the person's attitudes, motivations and values with respect to working with children;
- Prior to being engaged, staff must undergo a criminal record check and submit a criminal record certificate from the RPNGC. If there are delays in obtaining the certificate, the person may commence work, based on a signed statutory declaration disclosing any criminal offences, provided the certificate is submitted as soon as possible after the date employment is commenced;
- International volunteers and international consultants_ must submit a criminal record certificate from relevant authorities in their country of residence prior to being engaged;
- Staff members are required to immediately notify their manager if they are investigated for or charged with any offence relating to a child, or involved in any situation which would be likely to have a negative impact on the reputation of INA/ CIMC;
- Prior to commencing employment, all staff, volunteers, contractors and sub-contractors must read and sign the Child Protection Code of Conduct; and

- All employment contracts will contain provisions for dismissal, suspension or transfer to other duties for any breach of the Child Protection Policy and Code of Conduct.

CHILD PROTECTION REPORTING AND INVESTIGATION PROCESS

INA/CIMC takes violence, abuse and exploitation of children very seriously. Child abuse in all its forms is a serious offence under PNG laws (see Annex D), threatens the well-being of the child, and undermines INA/ CIMC's reputation.

It is mandatory for all staff to report immediately any suspected or alleged violation of this Policy or Code of Conduct, or any concerns they have for the safety or wellbeing of a child in connection with official duties or business. A person knowingly fails to report a violation of the Code of Conduct will be subject to disciplinary action.

Reports will be handled professionally, confidentially and as quickly as possible, in line with INA/CIMC HR policies and procedures, ensuring that all parties are treated fairly. The rights and well-being of the child will be a primary consideration, and any investigation will aim to respect the privacy and safety of the child.

Procedures for misconduct by staff, volunteers, contractors or sub-contractors

The following procedures will be followed for reports concerning an alleged breach of the Child Protection Policy and/or Code of Conduct, or concern about the actions or behaviour of INA/CIMC staff, volunteers, contractors or sub-contractors:

- The incident must be reported immediately to the Child Protection Focal Point. Initial reports may be made verbally or by telephone, to allow for early intervention and prompt investigation. The initial verbal report must be followed with a written Incident Report (Annex B) within 24 hours.
- The Child Protection Point will notify the staff member's manager, or in the case of a contractor or sub-contractor the executive director, of the allegation.
- The Child Protection Focal Point will take immediate steps, if necessary, to secure the safety and well-being of the child (e.g. arranging medical treatment, safe accommodation, etc.).
- If the allegation involved violence, abuse, or exploitation of a child, the Child Protection Focal Point will notify the Lukautim Pikinini Office and/or local Child

Protection Officer in accordance with the requirements of the Lukautim Pikinini Act 2015.

- An investigation will be launched by the staff member's manager / executive director within 48 hours of receiving the report. Investigations will be carried out in accordance with INA/CIMC standard disciplinary procedures.
- Depending on the nature of the alleged misconduct, the staff member may be suspended, transferred to other duties, or banned from any activities that involve contact with children pending the outcome of the investigation.
- Investigations will be handled sensitively and confidentially and completed as quickly as possible, having regard to the best interest of the child. Information relating to ongoing investigations of child protection incidents will only be shared on a 'need-to-know' basis.
- At the conclusion of the investigation, the child and/or his or her parents will be informed of the results of the investigation and what corrective action, if any, will be taken.
- The Child Protection Focal Point will liaise with child protection authorities and referral pathway partners to ensure that every effort is made to assist the child in coping with any physical or emotional trauma he or she may be experiencing, both during and after the investigation. This may include medical treatment, counselling or any other form of assistance deemed necessary and appropriate.
- The investigation process will be fully documented and a record will be kept of all reports made under this Policy and the outcomes of the investigation. Records will be kept in a secure place to ensure confidentiality of all parties involved.

If the investigation concludes that a violation of this Policy or Code of Conduct has occurred, the manager / executive director will decide on the appropriate outcome, which may include:

- Counselling
- Formal warning
- Performance management and monitoring
- Additional training on child protection
- Transfer to other duties that do not involve contact with children
- Suspension
- Dismissal, including summary (instant) dismissal for gross or very serious misconduct
- Cancellation of contract or MOU (in the case of contractors and sub-contractors)

In addition to any internal disciplinary measures, if the conduct involved a criminal offence under national laws, all information will be reported to the police and full cooperation afforded them during the criminal investigation.

Procedure for responding to incidents of child abuse by non-personnel

The following procedures will be followed whenever INA/CIMC personnel become aware of an incident of violence, abuse, or exploitation of a child during the course of their work, perpetrated by a family or community member who is not associated with INA/CIMC. This includes situations where a child engaged in an INA/CIMC activity discloses abuse, or where personnel observe abuse of a child in the course of their inter-action with community members:

- Any disclosures or observations of child abuse or concerns for the safety or well-being of a child should be reported immediately to the Child Protection Focal Point (verbally or by telephone). The Child Protection Focal Point will give advice on the most appropriate response, based on the nature of the incident.
- If the child is in immediate danger or at risk of harm, the local police or Child Protection Officer should be notified immediately.
- The initial verbal report must be followed with a written Incident Report (Annex B) submitted to the Child Protection Focal Point within 24 hours so that s/he can ensure that the report is properly followed-up by local authorities.
- The Child Protection Focal Point will liaise with the Lukautim Pikinini Office, local child protection officer, and referral pathway partners to ensure that appropriate action is taken to ensure the well-being and protection of the child.

ANNEX A: CHILD PROTECTION CODE OF CONDUCT

I acknowledge that I have read the INA/CIMC Child Protection Policy and agree that:

I will:

- Treat all children with respect;
- Treat all children equally and without discrimination, regardless of race, colour, sex, language, disability, religion, national, ethnic or social origin, birth or other status;
- Maintain a safe, inclusive and welcoming environment for children and encourage child participation in INA/CIMC activities where appropriate;
- Ensure that, whenever possible, another adult is present when I am working with children, or in the proximity of children;
- Respect children's privacy, maintain confidentiality, and not ask unnecessarily personal or probing questions of children;
- Comply with all national laws, including laws relating to the care and protection of children;
- Immediately report concerns about the safety or well-being of a child or breach of this Policy and Code of Conduct; and
- Disclose any investigation, charges, convictions and other outcomes of an offence that relates to child abuse or exploitation which occurred before my association with INA/ CIMC, and immediately advise my manager if I am investigated for or charged with any offence relating to a child, or involved in any situation which would be likely to have a negative impact on the reputation of INA/ CIMC;

And I will not:

- Use inappropriate language – whether of an offensive, demeaning, abusive, threatening or sexual nature – when speaking with or whilst in the presence of a child;
- Engage in behaviour to shame, humiliate, belittle or degrade a child, or otherwise emotionally abuse a child;
- Give alcohol or cigarettes to a child, or send a child to buy alcohol or cigarettes;
- Physically abuse a child;
- Hold, kiss, or touch a child in an inappropriate, unnecessary or culturally insensitive way;

- Engage in any form of sexual activity with a child;
- Sexually exploit a child, including paying for sexual services of a child, or facilitating or profiting from child prostitution;
- Marry a person under the age of 18, or facilitate the marriage of a person under the age of 18;
- Hire children for domestic or any other labour which is inappropriate for the child's age or development, interferes with the child's education, or is hazardous or harmful to the child's health, safety or development;
- Sleep in close proximity to any children unless it is absolutely necessary, in which case I will keep my manager informed and ensure another adult is present (noting that this does not apply to my own children);
- Photograph or video a child without the consent of the child and his/her parents or guardians, place images of children taken in the course of my work on personal social media sites, or use images of children contrary to the guidelines in INA/CIMC's Child Protection Policy;
- Use computers, mobile phones, video or digital cameras or any other technology for the purpose of exploiting or harassing children;
- Access, possess, create or distribute child pornography through any medium.

I agree to comply with the Code of Conduct, and understand that a breach of the Child Protection Policy or Code of Conduct may provide grounds for my employment or association with INA/CIMC to be terminated. I also understand that a breach of the Policy or Code could result in criminal prosecution.

Name

Signature

Date

ANNEX B: CHILD PROTECTION INCIDENT REPORT

ABOUT YOU:	
Name:	Job Title:
Contact Details:	

ABOUT THE CHILD:	
Child's Name:	Child's Address / Location:
Child's Age:	Child's Gender:

ABOUT THE ALLEGED PERPETRATOR:	
Name:	Address / Location (if known):
Is the person INA/CIMC personnel: <input type="checkbox"/> Staff member <input type="checkbox"/> Volunteer <input type="checkbox"/> Contractor or sub-contractor (including consultants and researchers)	If yes, job title:
If not INA/CIMC personnel, what is the person's relationship to the child:	

ABOUT THE INCIDENT:
How do you know about the incident? <input type="checkbox"/> Saw it myself <input type="checkbox"/> The child told me <input type="checkbox"/> Someone else told me: _____
Details about how you found out:

What happened? (Briefly describe the incident. If applicable, state exactly what the child or other source said to you):

Where did the incident happen:

Date and time of the incident:

Your personal observations on the child (visible injuries, emotional state, etc.):

Were there any (other) witnesses of the incident? If yes, give their name and contact details:

Signature

Date

ACTION TAKEN (to be completed by the Child Protection Focal Point)

ANNEX C: RISK ASSESSMENT AND MITIGATION

Activity	Risks	Mitigation Strategies
1-Tok Kaunselin Helpim Lain	<ul style="list-style-type: none"> - Counsellors might traumatise the child - Parents get angry that the child called and requested outside intervention - Referral pathway fails and/or inappropriate interventions by pathway partners, placing child at further risk. 	<ul style="list-style-type: none"> - Guidelines for hotline staff on handling calls from children - Training and on-going refreshers for hotline counsellors - Lukautim Pikinini Office/ Child Protection Officer to be notified of all calls relating to a child survivor - Referral only to accredited agencies (once LPA 2015 licencing process is in place); coordination with child-focused organisations - Training and partnership-building with referral pathway partners - Follow-up on all referrals of a child to ensure appropriate action has been taken - Data recording and case management system to track outcomes of calls - Case conferencing and daily clinical de-briefing - Senior counsellors to mentor / listen in on complex cases
Organising rescue, removal & transport of child survivors	<ul style="list-style-type: none"> - Child is abused or subjected to disrespectful / inappropriate questions by the driver or other accompanying adult 	<ul style="list-style-type: none"> - Guidelines on child-safe travel to be included in the Child Protection Policy and consistently enforced.

	<ul style="list-style-type: none"> - Child is intercepted by the perpetrator / family member - Child is injured in an accident or hold-up during transport 	<ul style="list-style-type: none"> - Safety plans required for transport between towns/provinces, particularly if it involves overnight stay.
PNG Counselling Association	<ul style="list-style-type: none"> - Poor quality counselling to child survivors due to lack of specialisation. - Counsellors use wrong approach or are disrespectful/ abusive to children 	<ul style="list-style-type: none"> - Specialised training on counselling skills for children - Counselling to be conducted in sight of others (door ajar)
National & sub-national forums, conferences	<ul style="list-style-type: none"> - Child participants at risk of abuse by adults / peers, particularly if it involves out-of-town participants and overnight lodging away from home. 	<ul style="list-style-type: none"> - Guidelines on child-safe travel and child-safe consultations to be included in the Child Protection Policy and consistently enforced. - Child safety plan required for any consultations that involve child participants.
Community-level consultations and forums	<ul style="list-style-type: none"> - Children disclose abuse during the course of consultations - Child participants at risk of abuse by adults / peers, particularly if overnight lodging away from home. - Facilitators go off alone with a child 	<ul style="list-style-type: none"> - Guidelines on child-safe consultations to be included in the Child Protection Policy and consistently enforced. - Consultations with children held in an open or public space - Staff and facilitators to abide by Code of Conduct, including two-adult rule - Facilitators to be briefed on reporting procedures and referral pathway
Research/surveys involving children	<ul style="list-style-type: none"> - Children re-traumatised, esp if the research is on sensitive topics such as abuse 	<ul style="list-style-type: none"> - Guidelines on child-safe research to be included in the Child Protection Policy and consistently enforced

	<ul style="list-style-type: none"> - Improper disclosure of children’s private information - Researchers use children’s personal information for improper purposes - Girls and vulnerable children do not feel free to participate 	<ul style="list-style-type: none"> - Separate FGCs for boys and girls so they feel free to express themselves - Research methodology must include ethical principles for research on children and child protection protocol for researchers - All research organisations and researchers must sign and abide by the Child Protection Policy and Code of Conduct
Training / consultations with parents	<ul style="list-style-type: none"> - Children left unsupervised or under the care of older children are at risk of abuse, neglect or injury 	<ul style="list-style-type: none"> - When organising events for participants who are likely to be parents: minimise travel/distance and number of days; time sessions for when children are in school; choose location where children can accompany their parents and have activities to occupy them; encourage parents (in the invitation letter) not to leave their children with young siblings.
Visiting safe houses	<ul style="list-style-type: none"> - Privacy / confidentiality of children staying at the safe house may be compromised - Staff / donors take photos of the children - Location of the safe house becomes widely known 	<ul style="list-style-type: none"> - Guidelines on visiting safe houses and children’s homes to be included in the Child Protection Policy and consistently enforced. - Direct interaction with children to be limited; donors and partners to be discouraged from visiting safe house and children’s homes.
Peer education programmes (mainly group activities)	<ul style="list-style-type: none"> - Child participants at risk of abuse or exploitation by peer educators 	<ul style="list-style-type: none"> - Peer educators required, as part of their contract, to sign and abide by the Code of Conduct - Peer education activities conducted in groups, in public spaces.

<p>Use of children’s images in communication and promotional material</p>	<ul style="list-style-type: none"> - No parental permission, particularly in group photos - Staff upload images of children to social media without asking permission - Using stories of vulnerable children; risk to child survivors if their story and identity is revealed - Images of a child may be superimposed or improperly used by others 	<ul style="list-style-type: none"> - Guidelines on use of children’s images and stories to be included in the Child Protection Policy and consistently enforced. - All images and stories of children will be reviewed for compliance with the Policy before being published - Staff are prohibited from posting images of children they come into contact with through work on their personal social media.
<p>Education Sector Advocacy / Policy) Children of staff in the office after school</p>	<ul style="list-style-type: none"> - Child protection issues are not fully reflected in education policy - Lack of supervision; children at risk from people coming and going from the office 	<ul style="list-style-type: none"> - Raise issues of child protection in education sector meetings and advocacy efforts. - Someone on reception at all times - Strict controls on strangers in the office; ban sellers - No children in the hotline counselling room - Parents to take responsibility for supervising their children

ANNEX D: National Legislation Relevant to Child Protection

a. Child Protection Obligations

Lukautim Pikinini Act 2015

Definition of “child”	2. “child” means a person including a boy or girl child under the age of 18 years;
Children in need of protection	2. “child in need of protection” means a child– (a) whose one or both parents are dead or incapacitated and adequate provision has not been made for the child’s care; or (b) who has been abandoned by his parents and adequate provision has not been made for the child’s care; or (c) who has been, or is likely to be physically harmed, sexually or emotionally abused or sexually exploited by some person other than the child’s parent, and the parent is unwilling or unable to protect the child; or (d) who has been, or is likely to be physically harmed because of violence or neglect by the child’s parents or guardian, or who is sexually or emotionally abused by the child’s parents or guardian; or (e) whose development is likely to be seriously impaired by treatable condition and the child’s parents refuse to provide or consent to treatment; or (f) who is living in a household where there have been incidents of domestic violence and, as a consequence, the child is at risk of serious physical or psychological harm; or (g) who has been consistently subjected to exposure or exhibition that is harmful to the child’s physical or psychological well-being; or (h) who is consistently engaged in child labour by some person other than the child’s parent, and the parent is unwilling or unable to protect the child; or (i) who is consistently engaged child labour by the child’s parent; or

	<p>(j) who is or has been absent from home in circumstances that endanger the child’s safety or well-being; or</p> <p>(k) who has serious differences with his parents to such an extent that the physical, psychological well-being of the child is being seriously impaired (or threatened) or the care and control of the child is likely to be seriously disrupted; or</p> <p>(l) who is involved in child trafficking.</p>
Child Labour	<p>2. “child labour” means work that deprives a child of his childhood, his potential and his dignity, and that is harmful to his physical and psychological development.</p>
Parental Obligations	<p>8. Duty to Maintain a Child.</p> <p>(1) It shall be the duty of a parent, or any person having custody of a child to maintain that child and, in particular that duty gives a child the right to–</p> <ul style="list-style-type: none">(a) adequate nutrition; and(b) immunization; and(c) clothing; and(d) shelter; and(e) education and guidance; and(f) medical attention. <p>(2) It shall be the duty of any person having custody of a child to protect the child from discrimination, violence, abuse, neglect, and exploitation.</p>
Reporting Obligations	<p>38. Duty to Report.</p> <p>(1) A person who believes, on reasonable grounds, that a child is in need of protection may notify the Office for Child and Family Services.</p> <p>(2) Apart from reporting under Subsection (1), such person should take whatever steps necessary to assist the child.</p> <p>(3) Notwithstanding anything in any other law, a person referred to in Subsection (4), who-</p>

- (a) performs professional duties with respect to a child; and
 - (b) in the course of that person’s professional, official, or community duties, has reason to believe that the child is in need of protection,
he shall immediately report the matter to the Office.
- (4) A person who performs professional duties, includes but is not limited to-
- (a) a health care professional, psychologist, teacher, school principal, social worker, family counselor, member of the clergy, lawyer, police officer, community base corrections officer, juvenile justice officer, correctional services officer, community development officer or community development office worker; or
 - (b) an operator or employee of an early childhood care and development centre.
- (5) The Office may institute a civil proceeding against a professional for failure to report.

b. Offences against Children

Legislation	Offences	Penalty
Criminal Code	208C. Trafficking in persons under 18 years	Imprisonment for up to 25 years
	229A. Sexual Penetration of a child under 16 (regardless of consent)	Imprisonment for up to 25 years (life imprisonment if the child is under 12)
	229B Sexual Touching of a child under 16 (regardless of consent)	Imprisonment for up to 7 years (up to 12 years if the child is under 12)
	229C Indecent act directed at a child under 16 years	Imprisonment for up to 5 years (up to 7 years if the child is under 12)
	229E Abuse of Trust, Authority or Dependency:	Imprisonment for up to 15 years

	Sexual penetration or sexual touching of a child aged 16-18 by someone in a position of trust, authority or dependency (even if the child consented)	
	229K Obtaining the services of a child prostitute under the age of 18	Imprisonment for up to 15 years (life imprisonment if the child is under 12)
	229S Producing and distributing child pornography	Imprisonment up to 10 years
	229T Possession of Child Pornography	Imprisonment up to 5 years
<p>Lukautim Pikinini Act 2015</p>	<p>54. Child Labour. (1) A person who causes or permits a child to be engaged in employment- (a) in conditions that are likely to be hazardous to the child; or (b) that interferes with the child's education; or (c) that is harmful to the safety, health or physical, mental, spiritual or social development of the child, is guilty of an offence.</p>	<p>(1) Fine up to K5,000.00 and/or imprisonment for up to 5 years. (2) For a parent or a person having the care of a child who abets the offence, a fine up to K5,000.00 and/or imprisonment up to 5 years (3) For an employer, fine up to K5,000.00 and/or imprisonment for up to 5 years</p>
	<p>80. Harmful Customary Practices. A person commits an offence if he unlawfully subjects a child to a social or a customary practice that is harmful to a child's well-being as guided by the principle of the best interests of the child.</p>	<p>Fine up to K5,000 and/or imprisonment for up to 2 years</p>
	<p>82. Sale of Children. (1) A person who sells or intends to sell a child for his personal gain is guilty of an offence. Penalty: Imprisonment for a term not exceeding five years. (2) A person who-</p>	<p>Fine up to K5000.00 and/or imprisonment for up to 2 years.</p>

	<p>(a) solicits the sale of a child; or (b) accepts or intends to accept proceeds of the sale; or (c) receives the child upon payment made, is guilty of an offence.</p>	
	<p>86. Child Marriage A person who, by act or omission, facilitates the marriage of a child, either by custom or by law, is guilty of an offence.</p>	<p>Imprisonment for a term not exceeding five years.</p>
<p>Family Protection Act 2013</p>	<p>6. Domestic Violence Offence It is an offence to commit any of the following acts against a family member (defined to include a biological, step, adopted or foster child, or child in the person's care and custody): assaulting (whether or not there is evidence of physical injury); psychologically abusing, harassing, intimidating; sexual abusing, stalking; behaving in an indecent or offensive manner; damaging property; threatening to do any of these acts.</p>	<p>Fine not exceeding K5000.00 or imprisonment for a term not exceeding two years or both</p>

